

REMARKS

Claims 1-25 were pending in this application. In this correspondence, claims 1, 3 – 14 are amended. New claims 26 and 27 are added to depend from independent claims 1 and 12 respectively; and recite subject matter previously claimed. Claims 2 and 15 – 25 are cancelled without prejudice or disclaimer. Upon entry of this Amendment, claims 1, 3 – 14, 26 and 27 will be pending. The subject matter of cancelled dependent claim 2 is incorporated into independent claims 1 and 12.

The following remarks, made pursuant to a thorough review of the Office Action and the reference cited therein, are believed to be fully responsive to the Office Action. Consideration in view of the above amendments and/or in view of the reasons discussed below is respectfully requested. All the pending claims 1, 3-14, 26 and 27 are believed to be patentable over the cited reference.

CLAIM REJECTIONS – 35 U.S.C. §102(B)

Claims 1 – 17 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by USPN 5,341,167 to Guichard, et al. (“Guichard”). Applicants respectfully traverse.

35 U.S.C. §102(b) states:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Thus the rejection under 102(b) can be maintained only if Guichard discloses each and every element recited in each of independent claims 1 and 12.

Independent claims 1 and 12 each recite, in pertinent part:

an ultrasonic transmitter ... comprising:

...a microcontroller assembly having an encoder capable of encoding a predetermined value, a serializer capable of serializing the encoded value, a parity encoder between the encoder and the serializer...(emphasis added).

Generally, Guichard relates to a visual and sound telecommunication system comprising a terminal, a camera, a screen and a handset with microphone and earpiece. The handset further has a device to provide for remote control of the terminal and of the camera from the terminal which includes an operating means making it possible for the user of the handset to obtain remote x, y movements of a cursor on the screen of the terminal and to 'click' on an area, and to transmit coded remote control signals. In particular, Guichard's keyboard matrix is connected to an encoder, which is connected to a serializer. In turn, the serializer controls either a signal modulator or an infrared emitter or emitters, or the ultrasonic transmitter. (See col. 1, lines 60 – 66). Thus, as shown in Guichard's Fig. 2A, the serializer is coupled directly between the encoder and the modulator.

Guichard does not anticipate the ultrasonic transmitter recited in each of amended independent claims 1 and 12 because Applicant's claimed ultrasonic transmitter comprises "a parity encoder between the encoder and the serializer." Simply put, this is not shown or described in Guichard. For at least these reasons, each of amended independent claims 1 and 12 is allowable over Guichard.

The rejection of independent claim 17 is moot because claim 17 has been cancelled.

Claims 2 - 11, and 13 – 14 are allowable over Guichard at least by virtue of their respective dependencies from at least one of allowable independent claims 1 and 12, as well as for their added features.

Therefore, Applicant respectfully submits that claims 1 and 3 – 16 are allowable and requests that the §102(b) rejection be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. §112

Claims 12 – 16 stand rejected under 35 U.S.C. §112 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully submits that the amendments to claims 12 – 14 make these claims definite and render this rejection moot. This rejection no longer applies to claims 15-16, which are cancelled.

Therefore, for at least the above reasons, Applicant respectfully requests that the §112 rejection of claims 12 – 16 be withdrawn.

NEW CLAIMS

New claims 26 and 27 depend respectively from allowable independent claims 1 and 12. Each of claims 26 and 27 recite the feature “a transmitter power source,” which element was cancelled from independent claim 1. Thus no new matter is added; and the Examiner is requested to pass all of pending claims 1, 3 – 14, 26 and 27 to allowance.

Docket No. 87424.1700
Application No. 10/733,439
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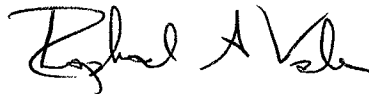
CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If it is believed that the application is not in condition for allowance, the Examiner is requested to contact the undersigned attorney to expedite the prosecution of the application.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87424.1700.

Respectfully submitted,

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